



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,944	01/20/2004	Darrick Wright	ATTM-1204	1275
54499                      7590                      12/10/2010 AT&T Legal Department - WW Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
			EXAMINER	
			SANTILAGO CORDERO, MARIVELISSE	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			12/10/2010                      PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/760,944

**Applicant(s)**

WRIGHT ET AL.

**Examiner**MARIVELISSE SANTIAGO-  
CORDERO**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2010 and supplemental amendment filed on 11/2/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 23 is objected to because of the following informalities: the phrase in progress" (line 3) should be replaced with --the call in progress-- and the term "wireless telephone" (last line) should be deleted in order to be consistent with claim terminology. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22, 24-27, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub et al. (hereinafter "Straub"; Patent No. US 7,053,780) in views of Cragun (Patent No.: US 6,177,873), Videtich (Pub. No.: US 2004/0080430), and Gropper (Patent No.: US 5,444,433).

Regarding claim 22, Straub discloses a wireless device for receiving an incoming call (Figures 1A-1B, references 100 and/or 210; col. 1 line 62 - col. 2 line 2 and col. 3 lines 13-22), the wireless device comprising:

- a first receiver configured to receive telephone calls (Figure 2, reference 234; col. 4, lines 5-22);

- a second receiver, different than the first receiver, the second receiver configured to receive an emergency alert broadcast (Figure 2, reference 270; col. 5, lines 1-28); and

- a microcontroller in communication with the first and second receivers (Fig. 2, reference 212), the microcontroller configured to be a common processor resource for the first and second receivers of the wireless device (Figure 2; col. 4, lines 5-22 and col. 5, lines 1-28), by:

- determining whether an emergency alert broadcast is being received at the second receiver (col. 5, lines 1-28),

- determining whether to notify a user of the wireless device of the emergency alert broadcast based on user-defined emergency alert preferences (col. 6, lines 1-49 and col. 7, lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest),

- storing code information received from the emergency alert broadcast (col. 5, lines 1-52),

providing a periodic reminder of the emergency alert broadcast (col. 1, lines 13-22) comprising information regarding a weather emergency associated with the emergency alert broadcast to the user of the wireless device (Figures 3A-3F; col. 5, lines 1-28), the periodic reminder being continually provided at a predetermined time interval until an expiration date and time of the weather emergency (col. 1, lines 13-22; col. 5, lines 1-28).

Straub fails to specifically disclose the user-defined emergency alert preferences comprising one or more emergency alert types the user wishes to be notified of; providing the periodic reminder of the emergency alert broadcast upon receipt of a first indication to decline to suspend a call in process; and the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user.

However, in the same field of endeavor, Cragun discloses the user-defined emergency alert preferences comprises one or more emergency alert types the user wishes to be notified of (Fig. 1, switch 160-166; col. 5, line 33-col. 6, line 18).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention by applicant to modify the user-defined emergency alert preferences of Straub to comprise one or more emergency alert types the user wishes to be notified of, as suggested by Cragun, for the advantages of notifying a user when weather alerts are issued according to geographical areas of interest and weather notification parameters that are set by the user (Cragun: col. 2, lines 14-32).

In addition, in the same field of endeavor, Videtich discloses providing a periodic reminder of the emergency alert broadcast comprising information regarding a weather emergency associated with the emergency alert broadcast to the user of the wireless device (p.

[0025], [0035]), the periodic reminder being continually provided at a predetermined time interval until an expiration date and time of the weather emergency (p. [0019], [0025]), and the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user (p. [0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to continually provide the periodic reminder at a predetermined time interval until an expiration date and time of the weather emergency of Straub; the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user as suggested by Videtich for the advantages of preventing that the user forgets about the emergency and for increasing user convenience.

Furthermore, in the same field of endeavor, Gropper discloses providing a periodic reminder of the emergency alert broadcast upon receipt of a first indication to decline to suspend a call in process (col. 9, lines 51 through col. 10, line 8; note that the re-transmission should be set to be in a subservient role to any other ongoing communication, the rebroadcast can be set to be completely and automatically overridden by audio (i.e., the claimed indication to decline to suspend a call in process) since the rebroadcast is continuously provided and repeated every few minutes (i.e., the claimed providing a periodic reminder)).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide a periodic reminder of the emergency alert broadcast of Straub in combination with Cragun and Videtich upon receipt of a first indication to decline to suspend a call in process as suggested by Gropper for the advantages of avoiding interference with any primary communication since the re-broadcast is continuously provided and repeated every few

minutes and since the information is also available from a number of media sources (Gropper: col. 9, line 66 through col. 10, line 8).

Regarding claim 24, in the obvious combination, Straub discloses wherein the first receiver includes a RF transceiver unit (col. 2, lines 48-64).

Regarding claim 25, in the obvious combination, Straub discloses wherein the second receiver includes a National Oceanic and Atmospheric Weather Radio weather receiver configured to receive National Oceanic and Atmospheric Weather Radio-specific Area message Encoding emergency alert broadcasts (Fig. 2, reference 270; col. 5, lines 1-28).

Regarding claim 26, in the obvious combination, Gropper discloses wherein the National Oceanic and Atmospheric Administration Weather Radio weather receiver is further configured to receive standard frequency modulated (FM) and amplitude modulation (AM) broadcasts (col. 1, lines 31-38; col. 10, lines 17-28); obvious to one of ordinary skill in this art at the time of invention by applicant for the advantages of being widely available and notoriously well known.

Regarding claim 27, in the obvious combination, Straub discloses wherein the second receiver includes a digital receiver (col. 5, lines 29-52).

Regarding claim 29, in the obvious combination, Straub discloses wherein the receiver unit includes a first processing module for extracting the code information included in the emergency alert broadcast (col. 5, lines 1-52) and the periodic reminder includes an emergency alert message containing at least a portion of the code information (col. 1, lines 13-44; col. 5, lines 1-28).

Regarding claim 30, in the obvious combination, Straub discloses wherein the emergency alert message comprises an audible emergency alert message (col. 8, lines 20-31), a visual

emergency alert message (col. 8, lines 6-19), or an audiovisual emergency alert message (col. 8 lines 20-31).

Regarding claim 31, Straub teaches a wireless telephone for use by a telecommunications user (navigation device 100 or 210 -figure 1A, 1B and 2, col. 1 line 62 - col. 2 line 2 and col. 3 lines 13-22), comprising:

a weather alert radio which includes a receiver configured to communicate with a National Oceanic and Atmospheric Administration radio broadcast system or a digital satellite system (weather receiver 270 - figure 2, col. 5 lines 1-28);

an alerting module in communication with the weather alert radio and the wireless telephone, configured to provide an audio, a visual or an audio-visual alert, wherein the magnitude and type of the alert is selectably modulateable (col. 8 lines 6-31);

a speaker jack, coupled to the weather alert radio and the wireless telephone (speaker 254 - figure 2, col. 6 line 62 - col. 7 line 13);

a power module, including a batter power pack coupled to the wireless telephone, weather alert radio and alerting module (power source 222 - figure 2, col. 3 lines 13-22);

a user interface, having a key pad, wherein the key pad is in communication with the weather alert radio and the wireless telephone (col. 3 lines 23-33);

an antenna, coupled to the wireless phone, in communication with the wireless telephone and weather alert radio (antenna 236 - figure 2, col. 4 lines 5-22); and

a microcontroller configured to:

determine whether to notify a user of the wireless telephone of an National Oceanic and Atmospheric Administration alert broadcast based on user-defined

emergency alert preferences (col. 6 lines 1-49 and col. 7 lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest); and

provide a periodic reminder of the emergency alert broadcast (col. 1, lines 13-22), the periodic reminder comprising information regarding a weather emergency associated with the emergency alert broadcast to the user of the wireless telephone (Figures 3A-3F; col. 5, lines 1-28), the periodic reminder being continually provided at a predetermined time interval until an expiration date and time of the weather emergency (col. 1, lines 13-22; col. 5, lines 1-28).

Straub fails to specifically disclose a digital AM/FM radio module in communication with the weather alert radio; wherein the user-defined emergency alert preferences comprise one or more emergency alert types the user wishes to be notified of; providing the periodic reminder of the emergency alert broadcast upon receipt of a first indication to decline to suspend a call in process; and the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user.

However, in the same field of endeavor, Cragun discloses the user-defined emergency alert preferences comprises one or more emergency alert types the user wishes to be notified of (Fig. 1, switch 160-166; col. 5, line 33-col. 6, line 18).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention by applicant to modify the user-defined emergency alert preferences of Straub to comprise one or more emergency alert types the user wishes to be notified of, as suggested by Cragun, for the advantages of notifying a user when weather alerts are issued according to

geographical areas of interest and weather notification parameters that are set by the user (Cragun: col. 2, lines 14-32).

In addition, in the same field of endeavor, Videtich discloses providing a periodic reminder of the emergency alert broadcast comprising information regarding a weather emergency associated with the emergency alert broadcast to the user of the wireless device (p. [0025], [0035]), the periodic reminder being continually provided at a predetermined time interval until an expiration date and time of the weather emergency (p. [0019], [0025]), and the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user (p. [0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to continually provide the periodic reminder at a predetermined time interval until an expiration date and time of the weather emergency of Straub; the predetermined time interval comprising a desired time interval between reminders of the emergency alert specified by the user as suggested by Videtich for the advantages of preventing that the user forgets about the emergency and for increasing user convenience.

Furthermore, in the same field of endeavor, Gropper discloses a digital AM/FM radio module in communication with the weather alert radio (col. 1, lines 31-38; col. 10, lines 17-28); providing a periodic reminder of the emergency alert broadcast upon receipt of a first indication to decline to suspend a call in process (col. 9, lines 51 through col. 10, line 8; note that the retransmission should be set to be in a subservient role to any other ongoing communication, the rebroadcast can be set to be completely and automatically overridden by audio (i.e., the claimed

indication to decline to suspend a call in process) since the rebroadcast is continuously provided and repeated every few minutes (i.e., the claimed providing a periodic reminder)).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include a digital AM/FM radio module in communication with the weather alert radio of Straub, to provide a periodic reminder of the emergency alert broadcast of Straub in combination with Cragun and Videtich upon receipt of a first indication to decline to suspend a call in process as suggested by Gropper for the advantages of being widely available, avoiding interference with any primary communication since the re-broadcast is continuously provided and repeated every few minutes and since the information is also available from a number of media sources (Gropper: col. 9, line 66 through col. 10, line 8).

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in combination with Cragun, Videtich, and Gropper as applied to claim 22 above, and further in view of Cannel et al. (hereinafter "Cannel"; Patent No.: US 6,850,604).

Regarding claim 23, Straub in combination with Cragun, Videtich, and Gropper discloses them device of claim 22 (see above), wherein the microcontroller is further configured to manage communications from the first and second receivers (Straub: Fig. 2, reference 212; col. 4, lines 5-22 and col. 5 lines 1-28), the microcontroller will suspend the call (Straub: col. 6, lines 64-67) and provide the emergency alert notification to the user of the wireless device based on the extracted coded information (Straub: col. 5, lines 29-52), but fail to specifically disclose upon receipt of a second indication to suspend the in progress and resumes the suspended call in progress upon receipt of a third indication to resume the suspended wireless telephone call.

In an analogous art, Cannell teaches upon receipt of a second indication to suspend a call in progress (col. 5, lines 11-21) and resumes the suspended call in progress upon receipt of a third indication to resume the suspended wireless telephone call (col. 5, line 56 - col. 6 line 3).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention by applicant to modify the combined system of Straub, Cragun, Videtich, and Gropper to include upon receipt of a second indication to suspend the in progress and resumes the suspended call in progress upon receipt of a third indication to resume the suspended wireless telephone call, as suggested by Cannell, for the advantage of alerting the user of the phone of an incoming call when the user is engaged in a current call (col. 1 lines 14-20).

7. Claims 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in combination with Cragun, Videtich, and Gropper as applied to claim 22 above, and further in view of US Patent No. 6,710,715 (Deeds).

Considering claim 28, the combined system of Straub in combination with Cragun, Videtich, and Gropper as applied to claim 22 above, teaches the system above but fails to disclose the processor includes a digital signal processor.

In an analogous art, Deeds teaches the processor includes a digital signal processor (col. 12 lines 3-9).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to the combined system of Straub in combination with Cragun, Videtich, and Gropper as applied to claim 22 above, to include a digital signal processor, as taught by Deeds, for the advantage of improving the automatic selection and distribution of messages (col. 2, lines 1-11).

8. Claims 32-35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Straub in views of Marrah (Patent No.: US 6,728,522), Cragun, Videtich, and Gropper.

Regarding claim 32, Straub discloses a method comprising:

receiving a weather alert broadcast at the wireless telephone (col. 5 lines 1-28);

determining whether to notify a user of the weather alert broadcast based on user-defined emergency alert preferences (col. 6 lines 1-49 and col. 7 lines 28-67, wherein Straub discloses providing weather alert for one or more adjacent counties based on user selectable criteria and displaying search results based on points of interest); and

providing information associated with the weather alert broadcast to the user of wireless telephone via an audio, visual or audio-visual alert (col. 8 lines 6-31), wherein the information associated with the weather alert broadcast is provided to the user periodically at a predetermined time interval (col.1 lines 14-22).

Straub fails to specifically disclose activating a digital AM/FM radio module of a wireless telephone, automatically deactivating the digital AM/FM radio module of the wireless telephone upon receipt of weather alert broadcast to the user; providing the information upon receipt of a first indication to decline to suspend a call in process; and wherein the predetermined time interval comprises a desired time interval between reminders of the emergency alert specified by the user.

However, in the same field of endeavor, Marrah discloses activating a digital AM/FM radio module of a wireless telephone (col. 3 lines 18-30), automatically deactivating the digital AM/FM radio module of the wireless telephone upon receipt of weather alert broadcast to the user (col. 3 lines 4-44).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention by applicant to modify Straub's system to include activating a digital AM/FM radio module of a wireless telephone and automatically deactivating the digital AM/FM radio module of the wireless telephone upon receipt of weather alert broadcast to the user, as suggested by Marrah, for the advantage of tuning a weather band radio to receive a plurality of weather band channels from one location (Marrah: col. 1, lines 13-32).

In addition, in the obvious combination, Cragun discloses the user-defined emergency alert preferences comprises one or more emergency alert types the user wishes to be notified for (switch 166-160 - figure 1, col. 5 line 33 - col. 6 line 18).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of invention by applicant to modify the user-defined emergency alert preferences of Straub to comprise one or more emergency alert types the user wishes to be notified of, as suggested by Cragun, for the advantages of notifying a user when weather alerts are issued according to geographical areas of interest and weather notification parameters that are set by the user (Cragun: col. 2, lines 14-32).

In addition, in the same field of endeavor, Videtich discloses providing a information associated with the weather alert broadcast to the user of the wireless telephone via an audio, visual, or audio visual alert (p. [0019], [0025], [0035]), wherein the information associated with the weather alert broadcast is provided to the user periodically at a predetermined time interval (p. [0019], [0025]), and wherein the predetermined time interval comprises a desired time interval between reminders of the emergency alert specified by the user (p. [0025]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide a information associated with the weather alert broadcast to the user of the wireless telephone via an audio, visual, or audio visual alert, wherein the information associated with the weather alert broadcast is provided to the user periodically at a predetermined time interval, and wherein the predetermined time interval comprises a desired time interval between reminders of the emergency alert of Straub specified by the user as suggested by Videtich for the advantages of preventing that the user forgets about the emergency and for increasing user convenience.

Furthermore, in the same field of endeavor, Gropper discloses providing information associated with the weather alert broadcast to the user of the wireless telephone (col. 1, lines 31-37) via an audio, visual, or audio visual alert (col. 6, lines 46-55) upon receipt of a first indication to decline to suspend a call in process (col. 9, lines 51 through col. 10, line 8; note that the re-transmission should be set to be in a subservient role to any other ongoing communication, the rebroadcast can be set to be completely and automatically overridden by audio (i.e., the claimed indication to decline to suspend a call in process) since the rebroadcast is continuously provided and repeated every few minutes (i.e., the claimed providing information)).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to provide information associated with the weather alert broadcast of Straub in combination with Marrah, Cragun and Videtich upon receipt of a first indication to decline to suspend a call in process as suggested by Gropper for the advantages of being widely available, avoiding interference with any primary communication since the re-broadcast is

continuously provided and repeated every few minutes and since the information is also available from a number of media sources (Gropper: col. 9, line 66 through col. 10, line 8).

Regarding claim 33, in the obvious combination, Straub discloses receiving the weather alert broadcast includes extracting coded information from the weather alert broadcast (col. 5 lines 1-52).

Regarding claim 34, in the obvious combination, Straub discloses receiving the weather alert broadcast includes comparing the extracted coded information to predetermined information stored in the wireless telephone (col. 5 lines 1-52).

Regarding claim 35, in the obvious combination, Straub discloses providing the information associated with the weather alert broadcast to the user of the wireless telephone includes providing an emergency alert message to the user of the wireless telephone, the emergency alert message including at least a portion of the extracted coded information (col. 5 lines 1- 52).

Regarding claim 37, in the obvious combination, Gropper discloses wherein providing the information associated with the weather alert broadcast to the user of the wireless telephone includes providing the information simultaneously with a call in progress (Abstract; col. 8, lines 52-68); obvious to one of ordinary skill in this art at the time of invention by applicant for the advantages of not disrupting communication in progress (Gropper; Abstract; col. 1, lines 16-20).

Regarding claim 38, in the obvious combination, Straub discloses further comprising providing a recommended course of action to the user of the wireless telephone based upon the extracted coded information, wherein a recommended course of action includes information

regarding steps for managing a situation in a specific weather emergency (col. 7 lines 28-52, wherein Straub discloses a shortest way to get to a shelter quickly).

Regarding claim 39, in the obvious combination, Straub discloses wherein if the wireless telephone is activated, the information associated with the weather alert broadcast is provided to the user of the wireless telephone (col. 6, line 62 - col. 7, line 13).

9. Claims 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Straub, Marrah, Cragun, Videtich, and Gropper as applied to claim 32 above, and further in view of US Patent No. 7,233,781 Hunter et al. (Hunter).

Regarding claim 36, Straub, Marrah, Cragun, Videtich, and Gropper discloses the method of claim 32 (see above), but fail to specifically disclose determining if a wireless telephone is not in progress, determining if the wireless telephone is activated; and if the wireless telephone is not activated, activating one or more interface resources of the wireless telephone, wherein the one or more interfaces resources include a speaker, a microphone, a keypad, a display, a ringer, and a vibratory actuator.

In an analogous art, Hunter teaches determining if a wireless telephone is not in progress, determining if the wireless telephone is activated; and if the wireless telephone is not activated, activating one or more interface resources of the wireless telephone, wherein the one or more interfaces resources include a speaker, a microphone, a keypad, a display, a ringer, and a vibratory actuator (col. 9 lines 32-51).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Straub, Marrah, Cragun, Videtich, and Gropper to include determining if the wireless telephone is activated; and if the wireless telephone is not

activated, activating one or more interface resources of the wireless telephone, wherein the one or more interfaces resources include a speaker, a microphone, a keypad, a display, a ringer, and a vibratory actuator, as taught by Hunter, for the advantage of notifying the user even when the device is off (col. 9 lines 32-51).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIVELISSE SANTIAGO-CORDERO whose telephone number is (571)272-7839. The examiner can normally be reached on Monday through Friday from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinsong Hu can be reached on (571) 272-3965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARIVELISSE SANTIAGO-CORDERO/  
Primary Examiner, Art Unit 2617